

JOINT COMMITTEE ON STREAM RESTORATION
AND SPECIES RECOVERY

March 25, 1999 Hearing Room 50

7:00 AM Tapes 66 - 67

MEMBERS PRESENT: Rep. Ken Messerle, Co-Chair

Sen. Joan Dukes, Vice-Chair

Rep. Bob Jenson, Vice-Chair

Sen. David Nelson

Sen. Frank Shields

Rep. Al King

Rep. Jeff Kruse

Rep. Randy Leonard

Rep. Lynn Lundquist

Rep. Susan Morgan

Rep. Bruce Starr

Rep. Terry Thompson

MEMBER EXCUSED: Sen. Ted Ferrioli, Co-Chair

Sen. Veral Tarno

STAFF PRESENT: Judith Callens, Administrator

Stephen Kosiewicz, Administrative Support

MEASURE/ISSUES HEARD: Measure 66 Amendment Discussion

HB 3071 Public Hearing

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

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TAPE/#	Speaker	Comments
TAPE 66, A		
004	Chair Messerle	Calls the committee to order at 7:10 a.m. Notes that the committee will have to adjourn at 8:00 this morning.
<u>MEASURE 66 AMENDMENT DISCUSSION</u>		
014	Jeannette Holman	Legislative Counsel Office. Submits and explains the provisions of the working draft ñ1 amendments to HB 3225 (EXHIBIT A).
043	Chair Messerle	Asks if the committee is limited on where the interest can go.
045	Holman	Notes that the interest is not addressed in the constitutional provision. Responds that the committee can specify a different use for the interest.
049	Rep. Morgan	Asks if the committee is responsible for dealing with the interest generated on the parks side.
051	Holman	Responds that the committee is only dealing with interest generated on the restoration side.
054	Rep. King	Asks if the money in the Parks Subaccount, according to ORS 293.701 to 293.820, is invested only in short-term treasuries, is it purely interest, or is it a balanced account with a total return capital gains prospect.
058	Holman	Responds that ORS 293.701 to 293.820 is all kinds of investment moneys.
061	Rep. Kruse	Notes that the interest is on the whole account. Asks if the committee is proposing to have two separate accounts inside the one main account.
068	Holman	Responds that the way it is setup now is to have all the money go into the two separate accounts, and then the earnings from each of these accounts is separate.
071	Rep. Morgan	Asks if there is a point at which the 15% of lottery funds accumulates interest, or is immediately split between the two accounts.
073	Holman	Responds that this is one of the issues the committee needs to decide. Continues explaining the provisions of the ñ1 working draft amendments.
116	Chair Messerle	Asks for clarification as to whether there would be a conflict of interest for those members of the different commissions being on GWEBis voting panel if their

		commission is receiving funding.
119	Holman	Responds that, like any kind of conflict of interest, they need to declare it if they thing there is one.. Continues explaining the provisions of the ñ1 working draft amendments.
138	Rep. King	Asks for clarification on what consensus will mean.
141	Holman	Responds that she would understand consensus to mean that they all have to agree.
145	Rep. Lundquist	Notes that the language says that the Oregon Watershed Enhancement Board (OWEB) will operate on a consensus basis "to the extent possible," which leaves a door open.
148	Holman	States that this is correct. Notes that this language also leaves OWEB room to define this further.
156	Rep. Kruse	Asks if there is flexibility for OWEB to determine what it considers to be consensus.
161	Holman	Responds that OWEB could determine what consensus means.
163	Chair Messerle	States that he has had conversations with at least one member of GWEB and they felt that the Board should operate on a consensus basis in the true meeting of the word.
171	Rep. Kruse	Clarifies that his question was whether the committee was giving the Board the ability to further define.
177	Rep. King	States that he will be opposed to the consensus element of the amendments.
184	Rep. Lundquist	Suggests some possible guidelines if the Board is not going to operate on a consensus basis.
192	Rep. Morgan	States that the watershed council system is built on consensus. Notes that the "to the extent possible" language gives the Board a way out if consensus gives them a problem.
199	Rep. Kruse	Suggests that the committee not look at this structure as the only vehicle for project funding.
206	Holman	Continues explaining the provisions of the ñ1 working draft amendments.

213	Chair Messerle	Expresses concern about limiting the term of commission directors who are board members.
230	Holman	Notes that this is true for the commission appointees, but her concern is in regard to the public members. Continues explaining the provisions of the ñ1 working draft amendments.
272	Chair Messerle	Comments on the funding structure of GWEB and the Governorís Natural Resources Office.
289	Holman	Continues explaining the provisions of the ñ1 working draft amendments.
310	Chair Messerle	Referencing lines 13 to 15 on page 10 of the ñ1 working draft amendments, asks if the owners of land that is mandated by the Forest Practices Act or SB 1010 would be eligible for compensation.
318	Holman	Responds that the Constitution and this language require it to be a willing seller.
323	Chair Messerle	Asks for clarification that landowners who had land taken away under the Forest Practices Act would be eligible.
326	Holman	Responds that she believes so.
329	Rep. Kruse	Asks if there is anything in this language that would prohibit the sate from joining into another program, like a federal program.
339	Holman	Responds that her assumption is that the money could be used to match other funds.
344	Rep. King	Referencing Section 6 on page 9 of the working draft amendments, asks if they are talking about OWEB taking over the Governorís staff, is it staff that exists elsewhere, or is this new staff.
365	Holman	Responds that most of GWEB is operated through the Governorís Natural Resources Office, and that the draft amendments codify what is currently happening.
374	Rep. King	Asks whether staff is being moved from the Governorís Office.
375	Chair Messerle	States that it is the other way around.
327	Holman	Responds that the GWEB staff is being moved into the Governorís Office.

384	Rep. Morgan	Comments on the complexity of the GWEB structure and funding.
TAPE 67, A		
002	Rep. Thompson	States that he has some problems with what is in the draft amendments. Suggests that the committee members review the draft amendments and organize their comments for discussion on them at a later time.
014	Chair Messerle	Notes that this is just a starting point. Comments on the difficulty the Co-Chairs have had in packaging the Measure 66 structure.
026	Rep. Thompson	Notes that some of the important parties have not been a part of the discussions setting up the structure.
033	Holman	Continues explaining the provisions of the ñ1 working draft amendments.
058	Holman	Continues testimony by discussing the parts of the Measure 66 structure that are still being worked on with the Governorís Office.
095	Rep. Thompson	Asks how the committee is going to proceed on these working draft amendments.
100	Chair Messerle	Responds that he has not discussed this with Sen. Ferrioli, but he assumes the committee will hold several hearings and work their way through the amendments. Comments on the Governorís Natural Resources Office.
133	Rep. Starr	Referencing Section 12 of the working draft amendments, asks what the three ORS sections being repealed are.
136	Holman	Responds that these are existing GWEB statutes that are no longer needed.
142	Rep. Starr	Asks if this language can be found somewhere else.
143	Holman	Responds that it is incorporated primarily in Section 3 of the ñ1 working draft amendments.
161	Rep. Starr	Asks if the draft amendments require the proposed OWEB to report to this committee [question inaudible at times].
166	Holman	Responds that she thinks there is a section of the amendments that requires any natural agency that is receiving funds, or is involved in the process, to report.
171	Rep. Starr	States his desire that the amendments specifically name this committee as the

		one they have to report to [Comments inaudible at times].
176	Chair Messerle	States that there is no intention of changing the oversight capacity of the committee.
181	Rep. Kruse	Asks if the issue of the size of the fund and where the funding source is has been discussed yet.
193	Chair Messerle	Responds that the Co-Chairs have not had this discussion yet, but he thinks it would be new funds.
197	Louise Solliday	Governor's Natural Resources Office. Responds that the fund is contained within one of the Governor's Natural Resources Office policy packages, and the proposed amount is \$400,000.
203	Rep. Kruse	Expresses interest in seeing the structure of this fund.
208	Rep. King	Notes that it appears they are codifying a state agency and states that he is not seeing a director of this group of people in the language.
217	Holman	Responds that the change from GNRO to the Oregon Natural Resources Office is not in the bill yet.
222	Rep. King	Asks for clarification that the committee will see how the administrative structure comes together at a later time.
226	Holman	Responds that this is correct.
227	Chair Messerle	Notes that this would be part of the MOU that the committee has not seen yet.
230	Rep. Thompson	Asks for clarification that the Co-Chairs are looking to get the Measure 66 structure bill together in three weeks.
232	Chair Messerle	Responds that they are going to make it a high priority.
233	Rep. Thompson	Asks if there is going to be a general session on the bill, or is the committee going to review it section by section.
242	Chair Messerle	Responds that it is not the Co-Chair's intent to limit the committee's input. States that they realize this needs a lot of work.
246	Sen. Dukes	Comments on the workgroup last session that worked on the Oregon Plan. Suggests using this approach to deal with HB 3225 and the n1 working draft

		amendments.
264	Chair Messerle	Notes that this is an option to look into. Opens the public hearing on HB 3071.
<u>HB 3071 n PUBLIC HEARING</u>		
275	Judith Callens	Committee Administrator. Explains the provisions of HB 3071.
295	Rep. Terry Thompson	House District 4. Testifies on why he introduced HB 3071.
339	Rep. King	Asks why the bill only addresses transporting invasive species and not introducing invasive species.
343	Rep. Thompson	Responds that it would be hard to get a conviction for introduction.
350	Callens	Referencing line 9 of HB 3071, notes that the language covers introducing an invasive species.
359	Rep. Thompson	Notes that the object of HB 3071 is to prevent invasive species from being introduced into Oregon.
374	Rep. King	Comments that this proposed crime should be able to be enforced whether or not the person "knowingly" transported or introduced an invasive species.
390	Rep. Thompson	Comments on the two most common mechanisms of transporting invasive species.
TAPE 66, B		
003	Lindsay Ball	Fish and Wildlife Division Captain, Oregon State Police. Explains the issue of criminal intent.
024	Rep. King	Notes that this would address Rep. Thompson's concern about someone unwittingly transporting an invasive species.
027	Rep. Lundquist	Asks what sort of invasive species the state needs to be worried about.
031	Rep. Thompson	Responds that the Mitten Crab is one.
042	Sen. Shields	Asks what impact the Mitten Crab has on other wildlife.

045	Rep. Thompson	Explains what the impact of the Mitten Crab could be on fish populations.
052	Chair Dukes	Notes that each female carries a million eggs and they can live three to four days out of water.
056	Rep. Starr	Asks if HB 3071 passes and a person unknowingly transports an invasive species, could they face some penalty less than a Class C felony.
064	Ball	Responds that they could.
081	Rep. Starr	Asks if this can happen now, or do they need the bill to do this.
083	Ball	Responds that it can happen now.
096	Kay Brown	Department of Fish and Wildlife. Submits and reads written testimony in support of HB 3071 (EXHIBIT B).
124	Rep. Kruse	Asks if ODFW currently has a list of invasive species.
127	Brown	Responds that they do not.
135	Rep. Kruse	Questions what other species would be considered an invasive species.
145	Brown	Notes that ODFW has raised the same question.
155	Chair Dukes	Asks how ODFW enforces the existing law without a list of invasive species.
157	Brown	Responds that the law ODFW enforces now has to do with a list of those species that are prohibited in the state or prohibited from being transported in the state.
161	Chair Dukes	Asks if Mitten Crabs are on that list.
162	Brown	Responds that they are.
163	Chair Dukes	Asks if ODFW is aware of the request before the California Department of Fish and Game to allow the transportation of Mitten Crabs in the State of California.
166	Joe Rohleder	Assistant to the Director, Department of Fish and Wildlife. Responds that the chairman of the Fish and Wildlife Commission sent a very strongly worded letter to the Department of Fish and Game in California several months ago asking the California commission to not allow the continued importation and transportation of Mitten Crabs.

173	Chair Dukes	Notes that the State of Washington also sent a letter. Questions whether this will prevent the California commission from allowing it.
176	Rohleder	Comments that ODFW's director will be working with the new director in California to see what can be done to make sure this does not happen.
188	Mark Sytsma	Associate Professor of Biology, Portland State University. Submits written testimony (EXHIBIT C) and testifies on the need for aquatic nuisance species management.
230	Chuck Craig	Department of Agriculture. Testifies in support of the concept behind HB 3071 and on the need for clarification in the bill.
255	Rep. Jenson	Notes that he had some of the same concerns as ODA.
266	Jim Myron	Oregon Trout. Submits written testimony (EXHIBIT D) and testifies in support of the concept behind HB 3071 and on suggested changes to the bill.
290	Rep. Thompson	Notes that he will put together a workgroup to work on amendments to HB 3071.
294	Callens	Announces that the HB 3225-1 working draft amendments will be available later today. Announces that committee meetings will now be broadcast over the internet.
310	Chair Dukes	Closes the public hearing on HB 3071. Adjourns the committee at 8:27 a.m.

Submitted By, Reviewed By,

Stephen Kosiewicz, Judith Callens,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ Measure 66 definition discussion, written material, Jeannette Holman, 11 pp.

B ñ HB 3071, written testimony, Kay Brown, 1 p

C ñ HB 3071, written testimony, Mark Sytsma, 2 pp.

D ñ HB 3071, written testimony, Jim Myron, 1 p